

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

TOMA J. SWINEY,)	
Plaintiff,)	
)	
v.)	Civil Action No. 05-0759
)	Judge Terrence F. McVerry
JO ANNE B. BARNHART, Commissioner of)	Magistrate Judge Lisa Pupo Lenihan
Social Security,)	
)	
Defendant.)	
)	

MEMORANDUM ORDER

_____. Plaintiff's complaint was received by the Clerk of Court on June 1, 2005, and was referred to United States Magistrate Judge Lenihan for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The magistrate judge's Report and Recommendation (Doc. No. 15), filed on August 30, 2006, recommended that Plaintiff's Motion for Summary Judgment (Doc. No. 8) be denied, Defendant's Motion for Summary Judgment (Doc. No. 12) be granted and the decision of the Commissioner of Social Security to deny Plaintiff's application be affirmed. Service was made on all counsel of record. The parties were advised they were allowed ten (10) days from the date of service to file written objections to the Report and Recommendation. No objections to the Report and Recommendation have been filed. After review of the pleadings and documents in the case, together with the Report and Recommendation, the following order is entered:

AND NOW, this 21st day of September, 2006;

IT IS HEREBY ORDERED that Plaintiff's Motion for Summary Judgment (Doc. No. 8) is **DENIED**.

IT IS FURTHER ORDERED that Defendant's Motion for Summary Judgment (Doc. No. 12) is **GRANTED**.

IT IS FURTHER ORDERED the decision of the Commissioner of Social Security to deny Plaintiff's application is **AFFIRMED**.

IT IS FURTHER ORDERED that the Report and Recommendation (Doc. No. 15) of Magistrate Judge Lenihan, dated August 30, 2006, is adopted as the Opinion of the Court.

BY THIS COURT:

s/ Terrence F. McVerry
United States District Judge

cc: Lisa Pupo Lenihan
United States Magistrate Judge

_____All counsel of record